

REMARKS

Claims 1-41 are now present in this application.

In the present application, Applicants' priority claim to International Patent Application No. PCT/SE2004/001883, SE 0400191-3 and U.S. Provisional Application No. 60/540,296 was included in the Declaration filed on May 7, 2009, which was filed within the time period set forth in 37 C.F.R. § 1.78(a). Further, the information concerning the priority claim was recognized by the USPTO as shown by its inclusion in the Official Filing Receipt mailed September 1, 2009 (copy enclosed). Applicants now submit the present Amendment to amend the specification to include specific reference to these priority claims.

MPEP § 201.11.III.D states (emphasis added):

If an applicant includes a benefit claim in the application but not in the manner specified by 37 C.F.R. § 1.78(a) (e.g., if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 C.F.R. § 1.78(a), the Office will not require a petition under 37 C.F.R. § 1.78(a) and the surcharge under 37 C.F.R. § 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt.

Therefore, according to MPEP § 201.11.III.D (recited above), a petition under 37 C.F.R. § 1.78(a) and surcharge under 37 C.F.R. § 1.17(t) are not required.

Applicants request entry of this amendment to the specification and request proper recognition of this priority claim to International Patent Application No. PCT/SE2004/001883, SE 0400191-3 and U.S. Provisional Application No. 60/540,296.

CONCLUSION

Accordingly, in view of the above amendments and remarks, an early indication of the allowability of each of claims 1-41 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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